

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	Chapter 11
	§	
CORE SCIENTIFIC, INC., et al.,	§	Case No. 22-90341 (CML)
	§	
Debtors.¹	§	(Jointly Administered)
	§	

**DECLARATION OF GREGORY N. WOLFE IN SUPPORT OF SPHERE 3D CORP.’S
OBJECTION TO DEBTORS’ MOTION FOR AN ORDER VACATING THE
SCHEDULING ORDER IN THE SPHERE CONTESTED MATTER AND
CONSOLIDATING THE SPHERE CONTESTED MATTER WITH THE ADVERSARY
PROCEEDING**

I, Gregory N. Wolfe, under penalty of perjury, pursuant to 28 U.S.C. § 1746, declare that the following is true and correct, based on my personal knowledge:

1. I am an attorney at Dontzin Nagy & Fleissig LLP and represent Sphere 3D Corp. (“Sphere”) in this case. I am fully familiar with the facts concerning this matter. I respectfully submit this declaration in support of Sphere 3D Corp.’s Opposition to Debtors’ Motion for an Order Vacating the Scheduling Order in the Sphere Contested Matter and Consolidating the Sphere Contested Matter with the Adversary Proceeding.

2. Following the denial of Core’s motion for summary judgment, on four separate occasions—on or around August 11, October 26, November 6, and November 17, 2023—Sphere

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are as follows: Core Mining LLC (6971); Core Scientific, Inc. (3837); Core Scientific Acquired Mining LLC (N/A); Core Scientific Operating Company (5526); Radar Relay, Inc. (0496); Core Scientific Specialty Mining (Oklahoma) LLC (4327); American Property Acquisition, LLC (0825); Starboard Capital LLC (6677); RADAR LLC (5106); American Property Acquisitions I, LLC (9717); and American Property Acquisitions, VII, LLC (3198). The Debtors’ corporate headquarters and service address is 210 Barton Springs Road, Suite 300, Austin, Texas 78704.

suggested to Core that the parties engage in a mediation to resolve this dispute. Core refused to mediate each time.

3. In addition, although Sphere sent Core several offers to resolve the dispute before October 2023, Core only sent Sphere a counteroffer in late October 2023 and essentially declared negotiations to be at an end in early November 2023.

4. Attached hereto as **Exhibit 1** is a true and correct copy of the transcript of a hearing conducted by this Court on August 7, 2023 concerning Core's Motion for Summary Judgment.

5. Attached hereto as **Exhibit 2** is a true and correct copy of email correspondence between the parties' counsel in which Debtor's counsel agreed to postpone trial to later in January 2024 to permit Ms. Trompeter to recover from her medical procedure.

6. Attached hereto as **Exhibit 3** is a true and correct copy of a November 17, 2023 email my colleague sent Debtors' counsel outlining the deposition schedule.

7. Attached hereto as **Exhibit 4** is a true and correct copy of a November 13, 2023 email Debtors' counsel sent to Sphere in which counsel proposed that Mr. Levitt, Core's Chairman, sit for his deposition on November 29, 2023.

8. Attached hereto as **Exhibit 5** is a true and correct copy of a November 21, 2023 email Debtors' counsel sent to Sphere informing Sphere of the filing of the Adversary Proceeding Complaint.

9. Attached hereto as **Exhibit 6** is a true and correct copy of a November 21, 2023 email Debtors' counsel sent to Sphere and Gryphon concerning Core's *ex parte* email to Gryphon.

10. Attached hereto as **Exhibit 7** is a true and correct copy of a November 21, 2023 *ex parte* email Debtors' counsel sent to Gryphon representing that Sphere's deposition of Gryphon would not go forward.

11. Attached hereto as **Exhibit 8** is a true and correct copy of the transcript of a hearing conducted by this Court on September 13, 2023 concerning Sphere's Motion to Compel.

12. Attached hereto as **Exhibit 9** is a true and correct copy of a November 15, 2023 email my colleague sent to Debtors' counsel regarding Debtors' amended responses to Sphere's interrogatories.

13. Attached hereto as **Exhibit 10** is a true and correct copy of an October 26, 2023 email I sent Debtors' counsel accepting their proposal to forego motions for summary judgment.

14. Attached hereto as **Exhibit 11** is a true and correct copy of Debtors' claim objection.

15. Attached hereto as **Exhibit 12** is a true and correct copy of Sphere's response to Debtors' claim objection.

16. Attached hereto as **Exhibit 13** is a true and correct copy of Debtors' Motion for Summary Judgment.

17. Attached hereto as **Exhibit 14** is a true and correct copy of Sphere's Objection to Debtors' Motion for Summary Judgment.

18. Attached hereto as **Exhibit 15** is a true and correct copy of Debtors' Reply in Support of their Motion for Summary Judgment.

19. Attached hereto as **Exhibit 16** is a true and correct copy of the demonstrative Sphere used during oral argument on Debtors' Motion for Summary Judgment.

20. Attached hereto as **Exhibit 17** is a true and correct copy of the Declaration of Russell Cann, filed by Debtors in support of Debtors' Motion for Summary Judgment.

21. Attached hereto as **Exhibit 18** is a true and correct copy of CORE-SPH0000354, an email chain produced by Core in discovery.

22. Attached hereto as **Exhibit 19** is a true and correct copy of Core's Responses and Objections to Sphere's Second Set of Requests for Admission.

23. Attached hereto as **Exhibit 20** is a true and correct copy of CORE-SPH0011124, an email chain Core produced in discovery.

24. Attached hereto as **Exhibit 21** is a true and correct copy of CORE-SPH0001186, an email chain Core produced in discovery.

25. Attached hereto as **Exhibit 22** is a true and correct copy of CORE-SPH0000271, an email chain Core produced in discovery.

26. Attached hereto as **Exhibit 23** is a true and correct copy of CORE-SPH0008246, a signed audit letter Core produced in discovery.

27. Attached hereto as **Exhibit 24** is a true and correct copy of CORE-SPH0013639, a February 7, 2022 capacity and deployment plan Core produced in discovery.

28. Attached hereto as **Exhibit 25** is a true and correct copy of CORE-SPH0004164, a presentation Core produced in discovery.

29. Attached hereto as **Exhibit 26** is a true and correct copy of Sphere's First Set of Interrogatories.

30. Attached hereto as **Exhibit 27** is a true and correct copy of Debtors' Responses and Objections to Sphere's First Set of Interrogatories.

31. Attached hereto as **Exhibit 28** is a true and correct copy of Debtors' Supplemental Responses and Objections to Sphere's First Set of Interrogatories.

32. Attached hereto as **Exhibit 29** is a true and correct copy of Debtors' Amended Responses and Objections to Sphere's First Set of Interrogatories.

33. Attached hereto as **Exhibit 30** is a true and correct copy of a November 22, 2023 email Core's counsel sent to Sphere.

Executed on: November 28, 2023

/s/ *Gregory N. Wolfe*
Gregory N. Wolfe